

BILLS PASSED

RELATED TO HEALTH AND HUMAN SERVICES

2007 ANNUAL GENERAL SESSION

Office of Legislative Research and General Counsel 3/21/07

ADOPTION

H.B. 51 Adoption Amendments (*Rep. S. Allen*)

This bill amends the Adoption chapter of the Judicial Code and related provisions.

This bill:

- ▶ defines terms;
- ▶ modifies the background check requirements with regard to a prospective adoptive parent who is not a resident of Utah;
- ▶ modifies and clarifies requirements necessary for an unmarried biological father to preserve his right to notice and consent for an adoption;
- ▶ modifies requirements relating to notice of an adoption proceeding;
- ▶ describes the circumstances under which an adoption may or may not be contested;
- ▶ expands and describes provisions relating to who may take consents or relinquishments for adoption;
- ▶ provides for, and describes, the jurisdiction of a district court to terminate parental rights under certain circumstances;
- ▶ describes the grounds upon which a district court may terminate parental rights;
- ▶ describes when a birth parent's parental rights and duties are dissolved in relation to a child who is to be adopted;
- ▶ provides that a court may, for good cause, order a final decree of adoption earlier than the six-month and one-year requirements currently provided for by law; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 92 Adoption of an Adult Provisions (*Rep. J. Mathis*)

This bill amends the provisions of the Juvenile Court Act of 1996 relating to the adoption of an adult.

This bill:

- ▶ describes the requirements that apply to the adoption of an adult;
- ▶ provides for the disclosure, under certain circumstances, of records relating to the adoption of an adult; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

AGING

S.B. 7 Exploitation of a Vulnerable Adult Amendments (*Sen. L. Hillyard*)

This bill amends the Utah Human Services Code to provide that a court may, under certain circumstances, award court costs and reasonable attorney fees to a prevailing party in an action for exploitation of a vulnerable adult.

This bill:

- ▶ provides that, if the plaintiff prevails in an action for exploitation of a vulnerable adult, the court may order the defendant to pay the court costs and reasonable attorney fees of the plaintiff; and
- ▶ provides that, if the defendant prevails in an action for exploitation of a vulnerable adult, the court may order the plaintiff to pay the court costs and reasonable attorney fees of the defendant, if the action was frivolous, unreasonable, or taken in bad faith.

No monies are appropriated in this bill.

S.B. 26 Utah Commission on Aging (*Sen. P. Jones*)

This bill amends provisions relating to the Utah Commission on Aging and extends the commission until July 1, 2009.

This bill:

- ▶ defines terms;

- ▶ extends the sunset date for the Utah Commission on Aging to July 1, 2009;
- ▶ modifies the membership of the commission;
- ▶ provides for the replacement of an appointed member of the commission if the member has three consecutive unexcused absences;
- ▶ provides that the Center on Aging within the University of Utah shall:
 - pay the salary, and oversee the performance of, the executive director of the commission;
 - provide staff support for the executive director of the commission and the commission; and
 - provide office space, furnishings, and supplies to the commission, the executive director of the commission, and support staff;
- ▶ provides that the executive director of the commission will be appointed by the executive director of the Center on Aging and that the appointment must be ratified by the governor;
- ▶ provides that the funds appropriated by the Legislature for the commission may only be used for the purposes described in the chapter relating to the commission; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

S.B. 75 Advance Health Care Directive Act (*Sen. A. Christensen*)

This bill repeals the Personal Choice and Living Will Act and enacts the Advance Health Care Directive Act.

This bill:

- ▶ establishes legislative intent;
- ▶ defines terms;
- ▶ gives preference to current health care decisions;
- ▶ creates a presumption that an individual has capacity to make health care decisions and appoint an agent;
- ▶ establishes:
 - powers of a health care agent;
 - surrogate decision makers when an agent is not available;
 - scope of surrogate powers;
 - priority of decision makers; and
 - powers of court-appointed guardians;
- ▶ coordinates the role of agents and surrogates as personal representatives of an individual;
- ▶ provides for the revocation of a health care directive;
- ▶ requires notice to health care providers of a health care directive or the appointment of an agent;
- ▶ establishes the duties of a health care provider and a health care facility regarding implementing a health care directive;
- ▶ creates a presumption of validity of health care directives;
- ▶ creates a presumptive statutory form for health care directives;
- ▶ prohibits the illegal destruction or forgery of a health care directive;
- ▶ prohibits a life or health insurer from:
 - denying benefits under a policy because an individual signed an advance health care directive which authorizes the withdrawal of life support; or
 - requiring an individual to create a health care directive in order to be insured; and
- ▶ provides for reciprocity for health care directives or similar documents from other states.

No monies are appropriated in this bill.

CHILD WELFARE

H.B. 93 Capital Offenses Amendments (*Rep. P. Ray*)

This bill modifies the Criminal Code regarding the elements of aggravated murder as related to the homicide of a child.

This bill:

- ▶ provides that the commission or attempt to commit specified offenses, including sexual offenses, against a child as a part of the commission of the homicide constitutes aggravated murder, if committed with reckless indifference to human life;
- ▶ modifies an element of aggravated murder regarding acting for pecuniary gain; and
- ▶ modifies an element of murder to specify "knowing" as the level of intent when the defendant acts with depraved indifference.

No monies are appropriated in this bill.

H.B. 202 Medical Recommendations for Children (*Rep. M. Morley*)

This bill prohibits school personnel from making certain medical recommendations for a student, including the use of psychotropic medications, and prohibits removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

This bill:

- ▶ prohibits school personnel from making certain medical recommendations for a student, including the use of psychotropic medications; and
- ▶ prohibits the removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

No monies are appropriated in this bill.

H.B. 228 Penalty for Homicide of a Child (*Rep. C. Wimmer*)

This bill amends the Criminal Code to provide that murder of a child younger than 14 years of age is a capital felony.

This bill:

- ▶ amends the definition of aggravated murder, which is a capital offense, to include the intentional or knowing murder of a child younger than 14 years of age.

No monies are appropriated in this bill.

H.B. 245 Child Welfare Amendments (*Rep. M. Newbold*)

This bill amends the Utah Human Services Code and the Judicial Code in order to comply with federal requirements, including those contained in The Adam Walsh Child Protection and Safety Act of 2006 and the Safe and Timely Interstate Placement of Foster Care Children Act of 2006, and to make corrections to certain child welfare provisions.

This bill:

- ▶ amends the background check procedures of the Office of Licensing, within the Department of Human Services, as they relate to background checks conducted for the purpose of licensing a prospective foster home or approving a prospective adoptive placement of a child in state custody;
- ▶ requires that before a prospective foster home is licensed, and before a child in state custody is placed with a prospective foster parent or a prospective adoptive parent, the Department of Human Services shall check the child abuse and neglect registry of each state where the prospective foster parent, prospective adoptive parent, or an adult residing in the home of the prospective foster parent or prospective adoptive parent, resided during the five years immediately preceding placement of the child;
- ▶ permits the information within the Management Information System, maintained by the Division of Child and Family Services, within the Department of Human Services, to be disclosed for the purpose of:
 - complying with an abuse and neglect registry check requested by another state; and
 - complying with the federal requirements for maintaining an electronic national registry of substantiated cases of child abuse and neglect;
- ▶ provides for the recognition within Utah of home studies conducted outside of Utah;
- ▶ amends the background check procedures for direct service workers when a child in the legal custody of the Department of Human Services, or a division of the department, is placed with the direct service worker;

- ▶ requires a court to consider appropriate in-state and out-of-state placements for a child who is removed from the custody of the child's parents;
- ▶ describes the entitlement or right of a child and others to be given notice of, to be present at, and to be heard at, each hearing and proceeding in an abuse, neglect, or dependency case;
- ▶ amends background check requirements for preplacement adoptive evaluations; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 328 Child Protection and Parental Rights Amendments (*Rep. W. Harper*)

This bill amends provisions of the Utah Human Services Code and the Juvenile Court Act of 1996 relating to the placement of abused, neglected, and dependent children.

This bill:

- ▶ replaces the term "emergency kinship placement" with "emergency placement";
- ▶ provides that investigative interviews of a child in protective custody, if the child is at least nine years old, may be conducted without recording the interview, if the child refuses to have the interview recorded;
- ▶ provides that investigative interviews of a child in protective custody may be conducted without a support person present, if the child refuses the presence of a support person;
- ▶ modifies the requirement regarding notification of former foster parents when a child reenters custody of the Division of Child and Family Services;
- ▶ expands the options for emergency placement of a child to include placement with a friend of the child's parents if the friend is licensed as a foster parent or with another foster family;
- ▶ provides that the Division of Child and Family Services, within the Department of Human Services, has the discretion to determine whether the division will seek and contact references as part of the division's emergency placement background check;
- ▶ removes the requirement that the division convene a family unity meeting before a shelter hearing;
- ▶ establishes the order of priority among potential placements for a child;
- ▶ expands the options for placing a child in shelter care to include placement with a friend of the child's parent if the friend is licensed as a foster parent;
- ▶ requires, subject to certain exceptions, that a child be present at certain hearings in an abuse, neglect, or dependency case;
- ▶ requires, subject to certain exceptions, that the court allow a child to address the court or testify during certain court appearances relating to the abuse, neglect, or dependency of the child;
- ▶ requires the Department of Human Services to expedite the process for licensing a friend of a parent whose child is in the custody of the Division of Child and Family Services as a foster parent, and requires the court to determine whether it is in the best interest of the child to be placed with the parent's friend if the friend becomes licensed as a foster parent; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 343 Foster Placement and Adoption Amendments (*Rep. L. Fowlke*)

This bill amends provisions of the Judicial Code relating to foster placements and adoption.

This bill:

- ▶ subject to certain exceptions, establishes a priority for placing a child with a man and a woman who are married to each other when the child is placed in a foster placement or for adoption;
- ▶ prohibits taking religion into account, or discriminating against a particular religion, when determining the placement of a child in foster care, unless religion is taken into account

for the purpose of placing the child with a person or family of the same religion as the child; and

- ▶ makes technical changes.

No monies are appropriated in this bill.

H.J.R. 16 Joint Resolution Supporting Governor's Child and Family Cabinet Council (*Rep. P. Ray*)

This joint resolution of the Legislature supports the formation of the Utah Governor's Child and Family Cabinet Council.

S.B. 35 Uniform Child Abduction Prevention Act (*Sen. L. Hillyard*)

This bill enacts the Utah Uniform Child Abduction Prevention Act.

This bill:

- ▶ sets guidelines for judges to determine when a child is at risk for abduction;
- ▶ requires a party to file a petition with the court specifying risk factors that might lead to an abduction;
- ▶ addresses specific issues for international abductions; and
- ▶ allows a court to issue a warrant to take immediate physical custody of a child it determines is at risk for abduction.

No monies are appropriated in this bill.

S.B. 38 Juvenile Court Judge (*Sen. C. Walker*)

This bill adds one new judge to the third judicial district.

This bill:

- ▶ increases the number of juvenile court judges in the third judicial district to ten.

No monies are appropriated in this bill.

DEPARTMENT OF HEALTH

H.B. 302 Medical Examiner - Testing for Substances in Cases of Suspected Suicide (*Rep. W. Harper*)

This bill amends the Utah Medical Examiner Act to provide for testing, in suicide cases, to determine the types of drugs or other substances that are present in the body of the deceased.

This bill:

- ▶ requires the medical examiner to endeavor to have tests conducted, for the presence of certain drugs or other substances, on a sample taken from the body of a deceased person who is suspected to have committed suicide;
- ▶ requires the medical examiner to maintain information regarding the types of drugs detected in the tests described in the preceding paragraph;
- ▶ requires the Department of Health to present a report regarding the information maintained under this bill to the Health and Human Services Interim Committee, on an annual basis, beginning in 2008; and
- ▶ requires that, within funds appropriated by the Legislature, the medical examiner shall provide compensation, at a standard rate determined by the medical examiner, to a deputy medical examiner who collects samples for the purposes described in this bill.

No monies are appropriated in this bill.

S.B. 196 Executive Compensation Amendments (*Sen. C. Bramble*)

This bill modifies the process for setting salary ranges for department and other agency heads.

This bill:

- ▶ creates a single salary range for all "appointed executives";
- ▶ bases that range on the salaries of the deputies to the appointed executives who are not medical doctors; and
- ▶ makes conforming and technical changes.

No monies are appropriated in this bill.

S.C.R. 7 Concurrent Resolution Approving Settlement of Lawsuit (*Sen. C. Bramble*)

This concurrent resolution of the Legislature and the Governor gives approval to the Utah Department of Health to enter into a settlement agreement to resolve a pending lawsuit.

This resolution:

- ▶ gives approval to the Utah Department of Health to execute a settlement agreement with the Plaintiffs in the case of B.C.B.U, Inc., doing business as Rocky Mountain Care-Bountiful, et al. v. State of Utah, Department of Health, Division of Health Care Financing, Civil No. 020914469 (Third District Court).

DISABILITIES

H.B. 16 Designated Mental Retardation Professional Amendments (*Rep. R. Menlove*)

This bill amends the definition of a mental retardation professional within the Services to People With Disabilities chapter of the Utah Human Services Code.

This bill:

- ▶ adds licensed marriage and family therapists and professional counselors to the list of mental health professionals that may become qualified as a mental retardation professional; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 47 Pilot Program for Family Preservation Services (*Rep. R. Menlove*)

This bill establishes a pilot program within the Services for People with Disabilities chapter of the Utah Human Services Code, for the expedited provision of family preservation services to people with disabilities and their families.

This bill:

- ▶ establishes a pilot program, beginning on July 1, 2007, and ending on July 1, 2009, for the provision of family preservation services to eligible people with disabilities and their families, outside of the prioritization criteria established by the division for the provision of other services;
- ▶ grants rulemaking authority to the division;
- ▶ describes a person who is eligible to receive expedited services under this bill;
- ▶ provides that the division shall establish criteria to determine the order of priority for receiving services under this bill;
- ▶ provides that the services provided under the pilot program described in this bill do not constitute an entitlement and shall be provided and funded separately from the Medicaid program;
- ▶ requires the director of the Division of Services for People with Disabilities to report, for consideration and decision, to the Health and Human Services Interim Committee during the 2008 interim regarding whether the pilot program created by this bill should be modified or converted into an ongoing program;
- ▶ provides, under the Legislative Oversight and Sunset Act, that the pilot program created by this bill will be repealed on July 1, 2009; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

S.B. 135 Public Employees Disability Benefits Limitations (*Sen. L. Hillyard*)

This bill modifies the Public Employees' Long-Term Disability Act to amend provisions related to disability claims.

This bill:

- ▶ provides that an employee is not eligible for long-term disability benefits during any period that the employee claims to be able to work or has an action pending in which the employee claims to be able to work;
- ▶ provides that an employer may obtain long-term disability information for certain pending cases in which the employer is a party;
- ▶ provides that monthly disability benefits paid for long-term disability may be reduced or reimbursed for certain amounts received during eligibility including when the employee receives a judgment, settlement, or other payment as a result of a claim against an employer related to the period of disability; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

S.B. 192 Service Animals (*Sen. S. McCoy*)

This bill amends provisions related to service animals, including guide dogs, emotional support animals, and search and rescue animals.

This bill:

- ▶ amends provisions related to attacking dogs by replacing "assistance animal" with "service animal";
- ▶ amends portions of the Utah Health Code by:
 - providing definitions;
 - replacing "blind, visually impaired, hearing impaired, or otherwise physically disabled person" and similar references with "person with a disability";
 - amending a provision that permits requiring a person to provide identification for a service animal; and
 - encouraging that a mental health therapist be permitted to be accompanied by a psychiatric therapy animal on the same basis that a person with a disability is permitted to be accompanied by a service animal;
- ▶ amends portions of the Utah Criminal Code by:
 - amending definitions; and
 - replacing "assistance animal" with "service animal";
- ▶ creates misdemeanor penalties for falsely representing that an animal is a service animal, or for misrepresenting to a health care provider the need for a service animal;
- ▶ amends portions of the Utah Judicial Code by:
 - amending definitions; and
 - replacing "assistance animal" with "service animal";
- ▶ makes clarifying and conforming changes; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

HEALTH DATA

H.B. 9 Health Care Cost and Quality Data (*Rep. M. Morley*)

This bill amends the Health Data Authority Act to authorize the Health Data Committee, as funding is available, to collect data on the costs of episodes of health care, and, as funding is available, authorizes the Department of Health to develop a plan to measure and compare costs of episodes of care.

This bill:

- ▶ amends the powers and duties of the Health Data Committee;
- ▶ authorizes the Health Data Committee to develop and adopt a plan for the collection and use of health care data related to cost of episodes of health care; and
- ▶ makes implementation of the plan contingent on funding.

No monies are appropriated in this bill.

HEALTH INSURANCE

H.B. 8 Retirement Office Amendments (*Rep. D. Clark*)

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending definitions, and making certain technical and administrative amendments.

This bill:

- ▶ amends the definition of allowance by adding "or retirement allowance";
- ▶ amends the definition of "political subdivision" by providing that a project entity created under the Interlocal Cooperation Act is not a political subdivision if it was formed prior to 1987;
- ▶ requires that retirement contributions made by a participating employee for a retiree that is subject to postemployment retirement restrictions shall be made to a "qualified" defined contribution plan;
- ▶ adds "covered individual" to those whose benefits are not subject to alienation, assignment, or attachment for legal purposes;
- ▶ allows the executive director to delegate certain dispute rulings to the deputy director;
- ▶ provides that Option One retirement allowance is only payable to the member during the member's lifetime for the Public Employees' Contributory and Noncontributory systems;

- ▶ adds "mentally" able to resume firefighter service to the examiners report for a determination regarding disability benefits;
- ▶ allows reserves in an insurance risk pool to be refunded directly to covered individuals;
- ▶ repeals a requirement that employees not be allowed to change from the high deductible health plan more frequently than every three years and replaces it with a provision that the program must be administered so that the impact on the overall health plan is actuarially neutral;
- ▶ requires the office to consult with covered employers in addition to certain state agencies prior to determining the amount of annual contributions to a health savings account;
- ▶ changes references to eligibility to receive a "retirement benefit" to eligibility to receive a "retirement allowance" to clarify provisions of the Unused Sick Leave Retirement Option Program I and II; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 80 Health Insurance Amendments (*Rep. J. Dunnigan*)

This bill amends the Comprehensive Health Insurance Pool Act.

This bill:

- ▶ makes technical amendments to the definition of insurer;
- ▶ deletes obsolete language;
- ▶ amends the lifetime benefit maximum; and
- ▶ amends eligibility for the high risk pool.

No monies are appropriated in this bill.

H.B. 295 Insurance Law Amendments (*Rep. J. Dunnigan*)

This bill modifies the Insurance Code.

This bill:

- ▶ addresses definitions;
- ▶ addresses examinations and costs of examinations;
- ▶ clarifies laws applicable to executive compensation;
- ▶ clarifies that certain acknowledgment forms are to be filed with the department;
- ▶ modifies certain policy and annuity examination periods;
- ▶ addresses accident and health insurance coverage related to birth or adoption;
- ▶ addresses requirements for the commissioner's adoption of a Basic Health Care Plan;
- ▶ addresses independent review organizations;
- ▶ addresses groups eligible for group or blanket insurance;
- ▶ removes certain references to a federal employer identification number;
- ▶ clarifies application of special requirements to title insurance producers which are agencies;
- ▶ allows for an insurer to provide incentives to participate in programs or activities designed to reduce claims or claims expenses;
- ▶ clarifies provisions related to sharing of commissions;
- ▶ addresses health care claims practices;
- ▶ modifies the Individual, Small Employer, and Group Health Insurance Act;
- ▶ addresses appointments to the Bail Bond Surety Oversight Board;
- ▶ addresses provisions applicable to a viatical settlement provider or viatical settlement producer;
- ▶ clarifies provisions related to examinations of captive insurance companies; and
- ▶ makes technical changes including correcting citations.

No monies are appropriated in this bill.

H.B. 374 Integrated Health System Fair Practices Act (*Rep. R. Lockhart*)

This bill creates the Integrated Health System Fair Practices Act.

This bill:

- ▶ defines terms; and
- ▶ requires an integrated health system to restrict certain communications between affiliates and subsidiaries in certain circumstances.

No monies are appropriated in this bill.

MEDICAID AND CHIP

H.B. 218 Utah Children's Health Insurance Program (*Rep. J. Dunnigan*)

This bill amends the Children's Health Insurance Program.

This bill:

- amends the program benefits by July 1, 2008.

No monies are appropriated in this bill.

H.B. 242 Medicaid False Claims Act Amendments (*Rep. B. Last*)

This bill amends the Medicaid False Claims Act in the Health Code.

This bill:

- amends definitions;
- clarifies the required mental state for a civil and a criminal prosecution;
- amends penalties for a violation of the act;
- grants concurrent civil enforcement authority to the attorney general and the Department of Health;
- provides a statute of limitations period;
- establishes burden of proof for civil actions;
- gives authority to issue civil investigative demands; and
- amends the duties of the attorney general.

No monies are appropriated in this bill.

S.B. 42 Preferred Prescription Drug List (*Sen. A. Christensen*)

This bill amends the Medical Assistance Act of the Health Code.

This bill:

- amends provisions related to the Medicaid drug program;
- deletes language related to the department study of drug programs in 2003 and the department report to the Executive Appropriations Committee in 2003;
- permits the department to develop a Medicaid drug program that may include placing some drugs on a preferred drug list; and
- requires the department to report on any drug program by August 2008.

No monies are appropriated in this bill.

S.B. 117 Medicaid Recovery Amendments (*Sen. A. Christensen*)

This bill amends the Medicaid Benefits Recovery Act and the Insurance Code to comply with the federal Deficit Reduction Act.

This bill:

- defines terms;
- establishes, as a condition of doing business in the state, requirements for health insurance entities relating to providing information to the state, accepting the right of the state to recover Medicaid expenses, and approving valid claims by the state;
- permits a claim for Medicaid recovery to be submitted up to three years after the day on which the health care item or service upon which the claim is based was provided;
- extends the statute of limitations for an action to recover Medicaid expenses, unless the action was time-barred on or before April 30, 2007;
- prohibits insurance policies from imposing a Medicaid insurance recovery deadline that is earlier than the deadline provided for in this bill;
- provides for enforcement of the provisions of this bill and for penalties against health insurance entities that are regulated by the Department of Insurance; and
- makes technical changes.

No monies are appropriated in this bill.

S.B. 189 Medicaid Home and Community-based Long-term Care (*Sen. G. Davis*)

This bill requires the Department of Health to provide financial assistance for room and board to Medicaid clients participating in a new home and community-based services long-term care program.

This bill:

- requires the Department of Health to provide financial assistance for room and board to Medicaid clients participating in a new home and community-based services long-term care program.

This bill appropriates:

- \$214,000 from the General Fund for fiscal year 2007-08 only to the Division of Health Care Financing within the Department of Health.

S.J.R. 3 Resolution Encouraging Congressional Funding for State Children's Health Insurance Program (*Sen. P. Knudson*)

This joint resolution of the Legislature urges Utah's congressional delegation and Governor Huntsman to work with the United States Congress for the passage of the Children's Health Insurance Program to benefit Utah's children.

This resolution:

- urges Utah's congressional delegation to work with the United States Congress for the passage of the Children's Health Insurance Program (CHIP) in a timely manner;
- urges Governor Huntsman to assist Utah's congressional delegation in this effort;
- urges all components of state government to work to ensure that all available public and private assistance for providing health benefits to uninsured children in Utah is used to the maximum extent possible; and
- urges the Governor to ensure that children who qualify for Medicaid or Utah's CHIP are identified and enrolled.

MISCELLANEOUS

H.B. 56 Emergency Administration of Epinephrine (*Rep. T. Kiser*)

This bill amends the Emergency Injection for Anaphylactic Reaction Act to authorize the administration of epinephrine auto-injectors in an emergency by a person designated to receive training by the Department of Health.

This bill:

- amends definitions;
- requires the Department of Health to approve training programs for the use and storage of epinephrine auto-injectors in an emergency;
- authorizes the Department of Health, as funding is available, to conduct educational programs to train people in the use and storage of epinephrine auto-injectors;
- establishes a standard for when a person has a need for training in the use of epinephrine auto-injectors;
- authorizes a person trained in the use and storage of epinephrine auto-injectors to obtain a prescription for the epinephrine auto-injector from a physician, pharmacist, or other person authorized to prescribe or sell drugs; and
- authorizes the Department of Health to adopt administrative rules.

No monies are appropriated in this bill.

H.B. 89 Government Assistance Expenditure Report (*Rep. M. Morley*)

This bill amends the duties of the Office of Legislative Fiscal Analyst to provide an annual report on government assistance expenditures.

This bill:

- requires the Office of Legislative Fiscal Analyst to submit to the Executive Appropriations Committee of the Legislature an annual report of state and federal funds expended to provide financial assistance and services to low-income individuals and families;
- describes the content of the annual report described in the preceding paragraph; and
- makes technical changes.

No monies are appropriated in this bill.

S.B. 31 Sunset Review and Reauthorizations (*Sen. C. Bramble*)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2008 Annual General Session of the Utah Legislature.

This bill:

- reauthorizes certain named state entities and programs that are scheduled to sunset before the 2008 Annual General Session; and
- makes technical changes.

No monies are appropriated in this bill.

S.B. 89 Revising Death Certificates (Sen. C. Walker)

This bill amends the Vital Statistics Act to prohibit the display of Social Security numbers on death certificates.

This bill:

- ▶ prohibits the display of Social Security numbers on death certificates.

No monies are appropriated in this bill.

S.B. 92 Revised Uniform Anatomical Gift Act (Sen. L. Hillyard)

This bill repeals the Uniform Anatomical Gift Act and enacts the Revised Uniform Anatomical Gift Act.

This bill:

- ▶ defines terms;
- ▶ establishes who can make an anatomical gift before the donor's death and the manner of making a gift before death;
- ▶ establishes:
 - procedures for amending or revoking an anatomical gift before death;
 - procedures for refusal to make an anatomical gift and the effect of a refusal;
 - the preclusive effect of an anatomical gift, amendment, or revocation;
 - who may make a gift of a decedent's body or part;
 - the manner of making, amending, or revoking an anatomical gift of a decedent's body or part;
 - persons that may receive an anatomical gift;
 - which persons should make a reasonable search for documents of gift; and
 - rights and duties of procurement organizations and others;
- ▶ coordinates procurement and use;
- ▶ prohibits the sale or purchase of parts, and other certain acts;
- ▶ provides limited immunity to a person that acts in accordance with the act;
- ▶ provides choice of laws as to execution of document and a presumption of validity;
- ▶ authorizes the Department of Public Safety to establish or contract with another to establish a donor registry;
- ▶ establishes the effect of an anatomical gift on an advanced health care directive;
- ▶ requires certain cooperation between the medical examiner and a procurement organization;
- ▶ establishes relationship of the act with electronic global and national electronic signatures act; and
- ▶ makes technical and conforming amendments.

No monies are appropriated in this bill.

S.B. 96 Sales and Use Tax Exemption for Disposable Home Medical Equipment or Supplies (Sen. S. Killpack)

This bill amends the Sales and Use Tax Act to enact a sales and use tax exemption.

This bill:

- ▶ defines the term "disposable home medical equipment or supplies";
- ▶ enacts a sales and use tax exemption for sales of disposable home medical equipment or supplies; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

OFFICE OF RECOVERY SERVICES**H.B. 15 Driver License Privilege Suspension for Failure to Pay Child Support (Rep. Julie Fisher)**

This bill amends the Utah Human Services Code and the Public Safety Code to establish a procedure for the Office of Recovery Services to order an administrative suspension of a person's driving privileges when the person is in arrears on a child support obligation.

This bill:

- ▶ defines terms;
- ▶ establishes a procedure for the Office of Recovery Services, within the Department of Human Services, to order, and the Driver License Division, within the Department of Public Safety, to recognize and impose, a suspension of a person's driving privileges when the person is at least 60 days in arrears

on a child support obligation;

- ▶ requires that the Driver License Division, upon application, issue a temporary limited driver license to a person whose driver license is suspended under this bill if the person needs a driver license for employment, education, or child visitation;
- ▶ provides that a suspension imposed under this bill will remain in effect until the Office of Recovery Services rescinds the order of suspension;
- ▶ provides that the suspension of a person's driving privileges under this bill will not be included in the person's driving record after the order of suspension is rescinded;
- ▶ requires the Driver License Division to disclose to the Office of Recovery Services the name and identifying information of each person to whom a license has been issued or whose driving privileges have been suspended, revoked, or reinstated;
- ▶ provides that the information received by the Office of Recovery Services under the preceding paragraph is subject to the Government Records Access and Management Act;
- ▶ describes the circumstances under which an order to suspend a person's driving privileges may not be made, or under which an order to suspend a person's driving privileges will be rescinded;
- ▶ provides that, if the office seeks a driver license suspension of a person who is not delinquent, the office shall refund any noncustodial parent income withholding fee that was collected during the alleged delinquency, unless the person is otherwise in arrears on a child support obligation;
- ▶ grants rulemaking authority to the Office of Recovery Services;
- ▶ requires the Office of Recovery Services to provide notice of an order, or the rescinding of an order, suspending a person's driving privileges, to the person to whom the suspension applies and to the Driver License Division;
- ▶ describes the contents of the notice described in the preceding paragraph; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 18 Child Support Collection Amendments (Rep. Julie Fisher)

This bill provides exceptions for income withholding for child support collection.

This bill:

- ▶ allows a court to approve a method of child support collection other than income withholding for good cause; and
- ▶ allows the Office of Recovery Services to enter into agreements with obligors for electronic payment of child support.

No monies are appropriated in this bill.

S.B. 104 Office of Recovery Services Fee (Sen. A. Christensen)

This bill brings the state into compliance with the federal Deficit Reduction Act by requiring the Office of Recovery Services to charge an annual fee for child support services rendered to a custodial parent who has never received TANF assistance.

This bill:

- ▶ imposes an annual fee of \$25 in each case where child support services are provided by the Office of Recovery Services to a custodial parent who has never received TANF assistance, if the office has collected at least \$500 of child support for the custodial parent; and
- ▶ provides that the fees collected under the provisions of this bill will be deposited into the General Fund as a dedicated credit to be used by the Office of Recovery Services for the purpose of collecting child support.

No monies are appropriated in this bill.

S.B. 182 Child Support Modifications for TANF Recipients (Sen. L. Hillyard)

This bill brings the Office of Recovery Services into compliance with the federal Deficit Reduction Act of 2006 regarding the collection and modification of child support awards.

This bill:

- ▶ provides for the adjustment or modification of child support awards under specific circumstances; and
- ▶ brings current statutes into compliance with the federal Deficit Reduction Act of 2006.

No monies are appropriated in this bill.

PROVIDERS

H.B. 114 Prisoner Long-term Health Care (Rep. J. Biskupski)

This bill modifies the chapter "Department of Corrections - State Prison" to require certain actions by a corrections department or agency and by a nursing care facility or assisted living facility administrator to which an offender is released from prison or parole.

This bill:

- ▶ provides definitions;
- ▶ provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness and is admitted as a resident of a nursing or assisted living facility, the department or another state's agency placing the offender shall provide:
 - notice to the facility administrator, no later than 15 days prior to the offender's admission as a resident of a facility and also provide contact information;
 - information to the public on the Utah Department of Corrections' website, and upon request, regarding the offenders placed in health care facilities, including the name and address of the facility where the offenders reside, and the date the offenders were placed at the facility; and
 - a training program for employees who work in facilities where offenders reside;
- ▶ requires the nursing or assisted living facility administrator to provide staff trained by the Department of Corrections in the safe management of offenders; and
- ▶ provides a penalty for failure to provide:
 - notice to other facility residents; and
 - employees trained in the safe management of offenders.

No monies are appropriated in this bill.

H.B. 197 Amendments to Background Checks by Department of Health (Rep. D. G. Buxton)

This bill amends the Department of Health authority to conduct background checks for health care facilities, emergency medical technicians, and child care facilities.

This bill:

- ▶ allows the Department of Health to have access to juvenile records for certification or licensing of people with direct responsibility for the safety of children, the elderly, or the disabled in health care facilities, or as an EMT, if the applicant:
 - is under the age of 28; or
 - is over the age of 28 if the individual has a criminal record as an adult;
- ▶ limits the department's current authority to access juvenile records for certain people associated with child care facilities to those people:
 - under the age of 28; or
 - over the age of 28 if the individual has a criminal record as an adult; and
- ▶ establishes consistent rulemaking authority for the department to grant exceptions to licensing prohibitions when licensing applicants for health facilities, day care centers, and EMTs.

No monies are appropriated in this bill.

H.B. 211 Background Checks for Division of Services for People with Disabilities (Rep. R. Lockhart)

This bill amends the definition of a direct service worker in the Services for People with Disabilities chapter of the Utah Human Services Code.

This bill:

- ▶ expands the definition of a direct service worker to include an employee of the Division of Services for People with Disabilities who provides services to a person with a disability while the employee has physical access to the person; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 276 Health Facility Committee Amendments (Rep. C. Herrod)

This bill amends the Health Care Facility Licensing and Inspection Act.

This bill:

- ▶ amends the membership requirements for the Health Care Facility Committee.

No monies are appropriated in this bill.

H.B. 292 Regulation of Direct Pathology Billing (Rep. M. Walker)

This bill amends the unlawful and unprofessional conduct provisions of the Division of Occupational and Professional Licensing.

This bill:

- ▶ defines terms, including:
 - "health care provider"; and
 - "anatomic pathology services"; and
- ▶ prohibits a health care provider from marking up a bill or making a profit on certain anatomic pathology services.

No monies are appropriated in this bill.

H.B. 299 Nurse Practice Act Amendments (Rep. R. Lockhart)

This bill amends how a licensee or potential licensee charged with a felony is treated under the Nurse Practice Act for purposes of licensure.

This bill:

- ▶ deletes existing licensing provisions under the Nurse Practice Act for persons charged with a felony;
- ▶ enacts new provisions that make a distinction between violent and nonviolent felonies; and
- ▶ specifies what impact a felony charge has on a person's license or ability to seek licensure under the Nurse Practice Act.

No monies are appropriated in this bill.

H.B. 369 Nursing Care Facility Licensure Modifications (Rep. S. Urquhart)

This bill amends the Long-term Care Facility - Licensing part of the Health Code.

This bill:

- ▶ defines terms;
- ▶ places restrictions on the Department of Health's authority to issue a license for certain nursing care facilities; and
- ▶ adds a sunset date of July 1, 2009.

No monies are appropriated in this bill.

H.B. 449 Accident Report Records Access (Rep. M. Walker)

This bill modifies provisions related to access to law enforcement accident reports under the Traffic Code.

This bill:

- ▶ provides a general acute hospital with access to traffic accident reports prepared by law enforcement agencies if:
 - the hospital has an emergency room; and
 - the hospital has provided emergency services to a person in connection with the accident.

No monies are appropriated in this bill.

S.B. 45 Nursing Amendments (Sen. P. Knudson)

This bill amends the Nurse Practice Act, the Advanced Practice Registered Nurse Compact, and the Nurse Midwife Practice Act.

This bill:

- ▶ removes the definition of "practice of nurse anesthesia";
- ▶ removes the license classification of certified registered nurse anesthesia;
- ▶ creates the license classification of advanced practice registered nurse - without prescriptive authority;
- ▶ changes the license category for licensed nurse anesthetist to advanced practice registered nurse without prescriptive authority;
- ▶ makes technical amendments necessary to remove references to licensed nurse anesthetists;
- ▶ adds certified nurse midwives to the list of APRN subject to the Advanced Practice Registered Nurse Compact; and
- ▶ beginning July 2010, amends the qualifications for licensure as a nurse midwife.

No monies are appropriated in this bill.

S.B. 52 Health Regulations for Public Indoor Tanning Beds (*Sen. P. Jones*)

This bill amends the Health Code to authorize the Department of Health to regulate public tanning facilities.

This bill:

- ▶ defines terms;
- ▶ authorizes local health departments to issue permits for tanning facilities; and
- ▶ requires a person younger than 18 to obtain parental consent before using a tanning facility.

No monies are appropriated in this bill.

S.B. 83 Acupuncture Licensing Act Amendments (*Sen. S. McCoy*)

This bill modifies provisions of the Acupuncture Licensing Act.

This bill:

- ▶ modifies the definition of the practice of acupuncture and changes the designation of "acupuncturist" to "licensed acupuncturist";
- ▶ modifies provisions regarding the licensing and the renewal of a license of an acupuncturist;
- ▶ makes conforming changes in the manner in which the title "licensed acupuncturist" may be used with an individual's name and practice;
- ▶ modifies a provision dealing with presumptions related to third party insurance payments to a person practicing acupuncture; and
- ▶ makes certain technical changes.

No monies are appropriated in this bill.

S.B. 134 Psychologist Licensing Act Amendments (*Sen. L. Hillyard*)

This bill modifies the Psychologist Licensing Act by allowing an applicant for a psychologist's license to satisfy the 4,000-hour training requirement for licensure as a psychologist while working towards the completion of a doctoral degree in psychology.

This bill:

- ▶ allows an applicant for licensure as a psychologist to satisfy the 4,000 hours of psychology training required for licensing while working towards completing the requirements for a doctoral degree in psychology; and
- ▶ makes certain technical changes.

No monies are appropriated in this bill.

S.B. 153 Malpractice Liability During Pandemic Event (*Sen. G. Bell*)

This bill amends the Health Care Providers Immunity From Liability Act.

This bill:

- ▶ in certain circumstances, expands the application of immunity from liability during an emergency to health care facilities;
- ▶ protects health care providers including facilities, from malpractice liability when they respond to a natural disaster, pandemic event, or bioterrorism unless the health care provider:
 - is grossly negligent;
 - caused the emergency; or
 - has engaged in criminal conduct; and
- ▶ applies the limited liability protections to a health care provider even if:
 - the provider has a duty to respond; or
 - the provider has an expectation of payment or remuneration.

No monies are appropriated in this bill.

S.B. 160 Pharmacy Practice Act Amendments (*Sen. P. Knudson*)

This bill amends the Pharmacy Practice Act.

This bill:

- ▶ deletes archaic language related to the conversion of pharmacy licenses in existence prior to July 1, 2004;
- ▶ as a condition of licensure, requires a pharmacy intern who has received a degree from a school or college of pharmacy accredited by the Accreditation Council on Pharmacy Education to also have completed any intern hours required by division rule;
- ▶ extends the term of a pharmacy intern license held by a pharmacy student, resident, or fellow from four years to five

years;

- ▶ amends the definition of "unprofessional conduct" as it relates to compensation for patient referral;
- ▶ amends the definition of "unprofessional conduct" as it relates to compensation for acts in violation of the Pharmacy Practice Act;
- ▶ adds violations of the Division of Occupational and Professional Licensing Act as a basis for disciplinary action under the Pharmacy Practice Act;
- ▶ specifies that prescription drugs must be dispensed at licensed pharmacies unless they are delivered via the United States Postal Service, licensed common carrier, or supportive personnel;
- ▶ exempts class E pharmacies from the requirement that pharmacies be under the supervision of a pharmacist-in-charge;
- ▶ changes the deadline for the reporting of various matters by pharmacies to the Division of Occupational and Professional Licensing;
- ▶ makes clarifying changes; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

S.B. 193 Amendments to Mental Health Professional Practice Act (*Sen. P. Jones*)

This bill provides for licensing of substance abuse counselors.

This bill:

- ▶ defines terms;
- ▶ creates additional licenses for substance abuse counselors;
- ▶ establishes standards for licensing substance abuse counselors;
- ▶ addresses the supervision of substance abuse counselors;
- ▶ provides for the transition to new requirements by current prospective licensees; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

PUBLIC HEALTH

H.B. 57 Public Health Amendments (*Rep. B. Last*)

This bill amends the Health Code to clarify changes made to the Communicable Disease and Control Act during the 2006 General Session.

This bill:

- ▶ allows a public health official to testify in court regarding an individual or group of individuals who are subject to an order of restriction; and
- ▶ allows the district court to balance an individual's personal belief regarding medical treatment and the ability of public health to control a public health threat.

No monies are appropriated in this bill.

H.B. 311 Utah Dairy Act Amendments (*Rep. K. Gibson*)

This bill amends the Utah Dairy Act to allow the sale of raw milk under certain conditions.

This bill:

- ▶ defines terms;
- ▶ prohibits cow-share programs; and
- ▶ allows a producer to sell raw milk at a self-owned retail store if certain requirements are met.

No monies are appropriated in this bill.

H.B. 339 Regulation of Cottage Food Production Operation (*Rep. R. Barrus*)

This bill amends the Utah Wholesome Food Production Act to provide for the registration of cottage food production operations as food establishments.

This bill:

- ▶ defines terms, including cottage food production operation and potentially hazardous food product;
- ▶ requires the Department of Agriculture and Food to develop administrative rules to register cottage food production operations as food establishments; and
- ▶ clarifies the jurisdiction of the Department of Agriculture and Food and local health departments regarding the regulation of cottage food production operations.

No monies are appropriated in this bill.

H.B. 358 Cervical Cancer Prevention (Rep. K. Morgan)

This bill amends the Health Promotion and Risk Reduction chapter of the Health Code.

This bill:

- directs the Department of Health to establish a public awareness campaign to educate parents, healthcare providers, and women about the causes and risks of cervical cancer and the prevention of cervical cancer.

No monies are appropriated in this bill.

S.B. 46 Health Care Amendments (Sen. P. Knudson)

This bill amends the local health department's code.

This bill:

- requires local health departments to develop and implement plans to investigate and respond to disease outbreaks, including strengthening:
 - the Medical Reserve Corps;
 - disease surveillance systems; and
 - emergency preparation and response plans.

This bill appropriates:

- \$500,000 from the General Fund for fiscal year 2007-08 only, to the Department of Health to be used to assist the local health departments to implement the emergency preparedness and surge capacity plans required by Section 26A-1-127.

S.C.R. 4 Concurrent Resolution Urging Participation by Taiwan in World Health Organization (Sen. C. Bramble)

This concurrent resolution of the Legislature and the Governor urges the Bush Administration to support Taiwan's participation in the World Health Organization.

SUBSTANCE ABUSE AND ALCOHOL**H.B. 6 Controlled Substance Database Amendments (Rep. R. Menlove)**

This bill amends the Utah Controlled Substances Act.

This bill:

- provides limited access to the Controlled Substance Database for:
 - practitioners, for the purpose of inquiring whether the practitioner's DEA number has been fraudulently used by another person; and
 - law enforcement authorities investigating insurance, Medicaid, or Medicare fraud.

No monies are appropriated in this bill.

H.B. 137 Pain Medication Management and Education (Rep. B. Daw)

This bill modifies Title 26, Chapter 1, Department of Health Organization, establishing a two-year program in the department to reduce deaths and other harm from prescription opiates utilized for chronic pain.

This bill:

- requires the Utah Department of Health to coordinate with the Utah attorney general, the Labor Commission, and the Division of Occupational and Professional Licensure to:
 - investigate causes and risk factors and solutions for deaths and nonfatal complications of prescription opiate use and misuse in Utah by using the Utah Controlled Substance Database;
 - study risks associated with prescription opiate medications used for chronic pain; and
 - educate health care providers, patients, insurers, and the general public on the appropriate management of pain; and
- requires the department to report to the legislative Health and Human Services Interim Committee and the legislative Business and Labor Interim Committee no later than the November meetings in 2007 and 2008 and present its recommendations on:
 - the use of the Utah Controlled Substances Database to identify and prevent:
 - misuse of opiates;
 - inappropriate prescribing; and
 - adverse outcomes of prescription opiate medications;
 - interventions to prevent the diversion of prescription opiate

medications; and

- medical treatment and quality care guidelines.

This bill appropriates to the Utah Department of Health for this two-year program \$150,000 one-time from the General Fund for fiscal year 2007-08 only and \$150,000 one-time from the General Fund for fiscal year 2008-09.

H.B. 231 Controlled Substances Penalty Amendments (Rep. W. Harper)

This bill modifies the Utah Controlled Substances Act regarding violations of controlled substance laws in the presence of children, and regarding committing offenses in specified locations, including modifying the scope of the area surrounding the locations and modifying the list of locations.

This bill:

- amends the current crime of committing drug offenses in the "immediate presence" of persons younger than 18 to remove the word "immediate";
- amends the increased penalty for committing drug offenses in specified locations to address areas within 1,000 feet of the locations; and
- adds libraries to the list of areas.

No monies are appropriated in this bill.

S.B. 4 Driving Under the Influence Amendments (Sen. C. Walker)

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to driving under the influence.

This bill:

- clarifies the application of the ten-year look back period for felony driving under the influence violations;
- amends the definition of alcohol restricted driver;
- provides that a court shall order an ignition interlock system as a condition of probation for an alcohol restricted driver violation or describe why the order would not be appropriate;
- increases the fee for a license reinstatement application for an alcohol or drug-related offense;
- increases the administrative fee for license reinstatement after an alcohol or drug-related offense and increases the amount of revenue generated by the administrative fee that is deposited in the State Laboratory Drug Testing restricted account;
- provides that the Driver License Division shall deny, suspend, disqualify, or revoke a person's license for certain violations;
- requires the Driver License Division to reinstate a person's license if the person's charges for certain violations are reduced or dismissed within the suspension period;
- requires the Driver License Division to immediately revoke, deny, suspend, or disqualify a person's driver license upon receiving record of a person's conviction for operating a vehicle without an ignition interlock system if the person is an interlock restricted driver; and
- makes technical changes.

No monies are appropriated in this bill.

S.B. 50 Drug Offenders Reform Act (Sen. D. C. Butters)

This bill modifies provisions of the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure to implement provisions relating to screening, assessment, and substance abuse treatment for offenders. These provisions are referred to as the Drug Offender Reform Act.

This bill:

- requires the Utah Substance Abuse and Anti-Violence Coordinating Council to coordinate and evaluate the implementation of the screening and assessment program;
- requires that on and after July 1, 2007, offenders convicted of any felony offense participate in the screening and assessment process; and
- requires that the results of any screening and assessment of an offender be provided to the court prior to sentencing.

This bill appropriates as nonlapsing funds:

- as an ongoing appropriation subject to future budget constraints, \$27,000 from the General Fund, for fiscal year 2007-08 to the Commission on Criminal and Juvenile Justice;
- as a one time appropriation from the General Fund, (\$3,000) for

- fiscal year 2007-08 to the Commission on Criminal and Juvenile Justice;
- ▶ as an ongoing appropriation subject to future budget constraints, \$3,419,500 from the General Fund, for fiscal year 2007-08, to the Department of Corrections;
 - ▶ as a one time appropriation from the General Fund, (\$379,900) for fiscal year 2007-08 to the Department of Corrections;
 - ▶ as an ongoing appropriation subject to future budget constraints, \$5,456,300 from the General Fund, for fiscal year 2007-08, to the Department of Human Services;
 - ▶ as a one time appropriation from the General Fund, (\$606,300) for fiscal year 2007-08 to the Department of Human Services;
 - ▶ as an ongoing appropriation subject to future budget constraints, \$56,700 from the General Fund, for fiscal year 2007-08, to the Administrative Office of the Courts;
 - ▶ as a one time appropriation from the General Fund, (\$6,300) for fiscal year 2007-08 to the Administrative Office of the Courts;
 - ▶ as an ongoing appropriation subject to future budget constraints, \$40,500 to the Board of Pardons and Parole; and
 - ▶ as a one time appropriation from the General Fund, (\$4,500) for fiscal year 2007-08 to the Board of Pardons and Parole.

S.B. 51 Alcoholic Beverage Enforcement and Treatment Restricted Account Amendments (*Sen. M. Waddoups*)

This bill modifies the Alcoholic Beverage Control Act to address distribution of monies related to the Alcoholic Beverage Enforcement and Treatment Restricted Account.

This bill:

- ▶ expands the list of state agencies that could be awarded grants by the Utah Substance Abuse and Anti-Violence Coordinating Council; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

S.B. 112 Methamphetamine Precursor Access Amendments (*Sen. D. C. Buttars*)

This bill modifies the Utah Controlled Substance Precursor Act regarding the quantity of products containing ephedrine, pseudoephedrine, or phenylpropanolamine that may be sold or possessed at one time, and requires that retail distributors limit customers' access to these products. This bill requires retail distributors to keep a log of purchasers of these products. This bill also imposes a specified penalty for offenses related to clandestine drug laboratories.

This bill:

- ▶ reduces the amount of products containing ephedrine, pseudoephedrine, or phenylpropanolamine that may be possessed at one time from 12 grams to 9 grams;
- ▶ provides that products containing ephedrine, pseudoephedrine, or phenylpropanolamine may not be sold as over-the-counter medications and requires:
 - that any of these products sold in one day, regardless of the number of transactions, may not contain more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine;
 - that any of these products sold by mobile retail vendors within 30 days, regardless of the number of transactions, may not contain more than 7.5 grams of ephedrine, pseudoephedrine, or phenylpropanolamine;
 - that the retailer keep the products in an area not accessible to customers, such as in a locked cabinet;
 - that the purchaser provide identification that includes a photo and birth date;
 - that the purchaser write into the log his name, address, date of birth, and time of transaction; and
 - that the seller verify the information provided by the purchaser and enter the brand name and quantity of the product; and
 - that the retailer keep a log of the transactions, including the date, identification of the purchaser, and the product purchased, for not less than two years;
- ▶ provides that any violation of these provisions is a class B misdemeanor, and that subsequent violations are class A misdemeanors; and
- ▶ provides that specified offenses involving clandestine drug

laboratories, which are second degree felonies, are punishable by the specified penalty of imprisonment for an indeterminate term of not less than 3 years nor more than 15 years.

No monies are appropriated in this bill.

TOBACCO

H.B. 37 Cigarette and Tobacco Tax and Licensing Amendments (*Rep. C. Frank*)

This bill modifies the Cigarette and Tobacco Tax and Licensing Act regarding the payment of cigarette taxes and penalties for nonpayment of cigarette taxes.

This bill:

- ▶ provides the procedures and requirements for how a cigarette tax is paid, when the tax is due, and the penalties associated with nonpayment;
- ▶ provides the conditions under which an assessment of the cigarette tax may take place;
- ▶ provides when a consumer may obtain a refund for overpayment and the procedures associated with the refund;
- ▶ provides a time limit within which the State Tax Commission must assess certain taxes;
- ▶ provides that the State Tax Commission may extend the time period within which it must assess a cigarette tax or commence a proceeding to collect a cigarette tax;
- ▶ defines terms; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 201 Governance of Local Ordinances Regarding Smoking (*Rep. P. Ray*)

This bill amends the Utah Indoor Clean Air Act.

This bill:

- ▶ amends the prohibition against political subdivisions adopting ordinances that restrict smoking.

No monies are appropriated in this bill.

H.B. 273 Indoor Smoking Amendments (*Rep. C. Oda*)

This bill amends the Indoor Clean Air Act.

This bill:

- ▶ permits smoking in class B fraternal organizations until January 1, 2009 if:
 - the class B club is licensed prior to May 15, 2006; and
 - there are no children allowed in the class B club; and
- ▶ amends provisions for class D clubs and taverns that were licensed prior to May 15, 2006, to permit those clubs that have a change in ownership after May 15, 2006 to retain their smoking status until January 1, 2009.

No monies are appropriated in this bill.

S.B. 200 Reduced Cigarette Ignition Propensity (*Sen. E. Mayne*)

This bill enacts The Reduced Cigarette Ignition Propensity and Firefighter Protection Act within the Utah Fire Prevention and Safety Act of the Public Safety Code.

This bill:

- ▶ defines terms;
- ▶ creates test methods and performance standards for cigarettes;
- ▶ requires certification and product marking to ensure compliance with the act;
- ▶ creates a Reduced Cigarette Ignition Propensity and Firefighter Protection Enforcement restricted account within the General Fund;
- ▶ requires marking of cigarette packages;
- ▶ establishes penalties for violations of the act;
- ▶ gives the state fire marshal and the State Tax Commission enforcement powers;
- ▶ gives the attorney general and the state fire marshal the power to inspect records;
- ▶ clarifies application to sales outside of the state;
- ▶ establishes state preemption of local ordinances; and
- ▶ provides that the state law is preempted by any subsequent federal law that may preempt state law.

No monies are appropriated in this bill.

S.J.R. 2 Resolution Regarding Permanent State Trust Fund (*Sen. L. Hillyard*)

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to a permanent state trust fund.